

**O'BANION & RITCHEY LLP**  
INTELLECTUAL PROPERTY ATTORNEYS

Wells Fargo Center  
400 Capitol Mall, Suite 1550  
Sacramento, California 95814  
Tel. (916) 498-1010  
Fax (916) 498-1074

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**TELECOPIER TRANSMITTAL SHEET**

TELECOPY TO: COMMISSIONER FOR PATENTS

FAX NUMBER: (571) 273-8300

FROM: JOHN P. O'BANION

RE: <sup>10 HPF</sup>  
09/774,012  
CWS5406.01A1 (ELK5406.01A1)**CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8)**

I hereby certify that the enclosed:

1. AMENDMENT TRANSMITTAL LETTER (1 PAGE)
2. AMENDMENT (14 PAGES)

are being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on  
29 September 2005.

JOHN P. O'BANION  
(Type or print name of person signing certificate)

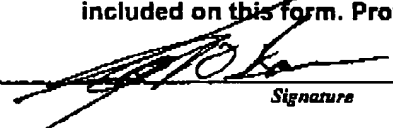
  
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NUMBER OF PAGES SENT (INCLUDING COVER SHEET): 16

IF THERE ARE ANY PROBLEMS OR QUESTIONS, PLEASE CONTACT US AT (916) 498-1010.  
OUR FAX NO. IS (916) 498-1074.

<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>				<b>Docket No.</b>	
Applicant(s): <b>MARK JENKINS</b>				CWS5406.01A1 (ELK5406.01A1)	
Application No. <b>10/774,012</b>	Filing Date <b>02/06/2004</b>	Examiner <b>EL ARINI, ZEINAB</b>	Customer No. <b>8156</b>	Group Art Unit <b>1746</b>	Confirmation No. <b>8426</b>
Invention: <b>CONCRETE WASHOUT CONTAINER</b>					
<b>COMMISSIONER FOR PATENTS:</b>					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	36 -	48 =	0	x \$25.00	\$0.00
INDEP. CLAIMS	4 -	4 =	0	x \$100.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>					
 Signature  <b>JOHN P. O'BANION, REG. NO. 33,201</b> <b>O'BANION &amp; RITCHEY LLP</b> <b>400 CAPITOL MALL, SUITE 1550</b> <b>SACRAMENTO, CA 95814</b> <b>(916) 498-1010</b>			Dated: <u>9/29/05</u>  <div style="border: 1px solid black; padding: 5px;">             I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____              _____              (Date)               _____              Signature of Person Mailing Correspondence               _____              Typed or Printed Name of Person Mailing Correspondence           </div>		
cc:					

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/774,012 Confirmation No.: 8426  
Applicant : MARK JENKINS  
Title : CONCRETE WASHOUT CONTAINER  
Filed : 02/06/2004  
TC/A.U. : 1746  
Examiner : EL ARINI, ZEINAB  
Docket No. : CWS5406.01A1 (ELK5406.01A1)  
Cust. No. : 8156

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**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**AMENDMENT**

Dear Sir:

In response to the Office Action mailed on September 21, 2005, please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.